

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

COREY L. KNIGHT,

Defendant.

8:04CR108

ORDER

This matter is before the court on the motion of Joseph F. Gross, Jr., to withdraw as counsel for the defendant, Corey L. Knight (Knight) (Filing No. 23). The court held a hearing on the motion on August 3, 2005. The court determined the motion should be granted. Mr. Gross's motion to withdraw (Filing No. 23) is granted and substitute counsel will be appointed.

The court finds Knight remains eligible for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska. Susan M. Bazis, 209 South 19th Street, Omaha, NE 68102, (402) 342-4246, is appointed to represent Knight for the balance of these proceedings pursuant to the Criminal Justice Act. Ms. Bazis shall file her appearance in this matter forthwith. The clerk shall provide a copy of this order to Ms. Bazis and to the Federal Public Defender.

Mr. Gross shall forthwith provide Ms. Bazis with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Gross which are material to Knight's defense.

In order to provide new counsel adequate time to prepare for trial, trial of this matter is rescheduled before Senior Judge Lyle E. Strom and a jury commencing at 9:00 a.m. on October 3, 2005. During the hearing on August 3, 2005, Knight requested such additional time and acknowledges the time provided would be excluded from the computations under the Speedy Trial Act. The additional **time** arising as a result of the granting of the request, i.e., the time between **August 3, 2005 and October 3, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 4th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge